Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1.   (Currently Amended) A method for using a phased learning approach for determining closest of *s* multiple content serving sites to a <u>client Domain Name System (DNS) server</u> fixed location in a computer network including:

in a setup phase:

storing data as to transit times of each of the content serving sites in a table;

in an execution phase:

~~receiving a Domain Name System (DNS) request from said fixed location;~~

determining a response time for each of *n* fastest content serving sites and *m* other content serving sites, said *n* fastest content serving sites chosen by using said data and choosing the *n* content serving sites with lowest transit times, said *m* other content serving sites chosen by selecting new content serving sites as well as randomly selecting old content serving sites, wherein *n* is less than *s* <u>and greater than zero</u>;

sending transit time requests to each of the *n* fastest content serving sites and *m* other content serving sites, timing said transit time requests so that they arrive at each of the *n* fastest content serving sites and *m* other content serving sites at the same time by using said response time for each of the *n* fastest content serving sites and *m* other content serving sites;

receiving data from said <u>client DNS server</u> ~~fixed location~~ as to the transit times of each of the *n* fastest content serving sites and *m* other content serving sites; and

storing said data in said table.

2.   (Currently Amended) The method of claim 1, wherein said setup phase includes:

~~receiving a Domain Name System (DNS) request from said fixed location;~~

determining a response time for each of the content serving sites;

sending transit time requests to each of the content serving sites, timing said

transit time requests so that they arrive at each of the content serving sites at the same time by

using said response time for each of the content serving sites;

receiving data from said <u>client DNS server</u> ~~fixed location~~ as to the transit times of each of

the content

serving sites;

storing said data in a table.

3.   (Previously Presented) The method of claim 2, wherein said determining the response

time for each of the content serving sites includes:

pinging each of the content serving sites;

receiving a reply from each of the content serving sites; and

determining the response time for each of the content serving sites by computing the

difference in time from said pinging to said receiving a reply for each of the content serving sites.

4.   (Previously Presented) The method of claim 1, wherein said determining the response

time for each of n fastest content serving sites and m other content serving sites includes:

pinging each of n fastest content serving sites and m other content serving sites;

receiving a reply from each of *n* fastest content serving sites and *m* other content serving sites; and

determining the response time for each of *n* fastest content serving sites and *m* other content serving sites by computing the difference in time from said pinging to said receiving a reply for each of said *n* fastest content serving sites and *m* other content serving sites.

5.   (Currently Amended) The method of claim 1, wherein transit time is the time it takes a content serving site to send a packet to said <u>client DNS server</u> fixed location after receiving a transit time request.

6.   (Currently Amended) The method of claim 1, wherein said data includes at least one record, said record including a transit time, a network address for said <u>client DNS server</u> fixed location, and a network address for a content serving site, said transit time being the transit time between said <u>client DNS server</u> fixed location and said content serving site.

7.   (Previously Presented) The method of claim 2, wherein said sending transit time requests to each of the content serving sites includes:

sending transit time requests to each of the content serving sites in order of their response times, longest response time first, setting a delay for a transit time request for a particular content serving site from a time of the transit time request to the content serving site with the longest response time as one half of said particular content serving site's response time.

8.   (Previously Presented) The method of claim 1, wherein said sending queries to each of

the n fastest content serving sites and m other content serving sites includes:

sending transit time requests to each of said content serving sites n fastest content serving

sites and m other content serving sites in order of their response times, longest response time

first, setting a delay for a transit time request for a particular content serving site from the time

the transit time request to said n fastest content serving site or m other content serving site with

the longest response time as one half of said particular content serving site's response time.

9.   (Original) The method of claim 1, wherein n is 3 and m is 2.

10.   (Original) The method of claim 1, wherein n may be varied based on stability of the

computer network.

11.   (Original) The method of claim 1, wherein n may be varied based on a rate of change of

said content serving sites making up n content serving sites.

12.   (Original) The method of claim 1, wherein said setup phase occurs when the computer

network is first set up.

13.   (Original) The method of claim 1, wherein said execution phase occurs when the

computer network is operating normally.

14.   (Currently Amended) An apparatus for using a phased learning approach for determining

closest of multiple content serving sites to a <u>client DNS server</u> ~~fixed location~~ in a computer

network including:

a Domain Name System (DNS) request receiver coupled to the <u>client DNS server</u> ~~fixed~~

~~location~~;

a response time determiner coupled to said DNS request receiver and coupled to the

content serving sites;

a transit time request sender coupled to said response time determiner and coupled to the

content serving sites;

a data receiver coupled to the <u>client DNS server</u> ~~fixed location~~;

a memory coupled to said sender; and

a data storer coupled to said data receiver and coupled to said memory.

15.   (Original) The apparatus of claim 14, wherein said response time determiner includes an

n fastest content serving site chooser and an *m* other content serving site chooser.

16.   (Previously Presented) The apparatus of claim 14, wherein said transit time request

sender includes a transit time request timer.

17.   (Original) The apparatus of claim 14, wherein said response time determiner includes a

pinger and a reply receiver.

18.   (Previously Presented) The apparatus of claim 14, wherein said transit time request

sender includes a response time orderer.

19.   (Previously Presented) The apparatus of claim 14, further including a phase determiner

coupled to said response time determiner, said transit time request sender, and said data receiver.

20.   (Currently Amended) A program storage device readable by a machine, tangibly

embodying a program of instructions executable by the machine to perform a method for using a

phased learning approach for determining closest of s multiple content serving sites to a client

DNS server ~~fixed location~~ in a computer network, the method including:

in a setup phase:

storing data as to transit times of each of the content serving sites in a table;

in an execution phase:

~~receiving a Domain Name System (DNS) request from said fixed location;~~

determining a response time for each of n fastest content serving sites and m other

content serving sites, said n fastest content serving sites chosen by using said data and

choosing the n content serving sites with lowest transit times, said m other content

serving sites chosen by selecting new content serving sites as well as randomly selecting

old content serving sites, wherein n is less than s and greater than zero;

sending transit time requests to each of the n fastest content serving sites and m

other content serving sites, timing said transit time requests so that they arrive at each of

the n fastest content serving sites and m other content serving sites at the same time by

using said response time for each of the *n* fastest content serving sites and *m* other content

serving sites;

receiving data from said <u>client DNS server</u> fixed location as to the transit times of

each of the *n*

fastest content serving sites and *m* other content serving sites; and

storing said data in said table.

21. (Currently Amended) An apparatus for using a phased learning approach for determining

closest of *s* multiple content serving sites to a <u>client DNS server</u> fixed location in a computer

network including:

means for storing data as to transit times of each of the content serving sites in a table in a

setup phase;

means for receiving a Domain Name System (DNS) request from said fixed location in an

execution phase;

means for determining a response time for each of *n* fastest content serving sites

and *m* other content serving sites, said *n* fastest content serving sites chosen by using said data

and choosing the *n* content serving sites with lowest transit times, said *m* other content serving

sites chosen by selecting new content serving sites as well as randomly selecting old content

serving sites in an execution phase, wherein *n* is less than *s* <u>and greater than zero</u>;

means for sending transit time requests to each of the *n* fastest content serving sites and *m*

other content serving sites, timing said queries so that they arrive at each of the *n* fastest content

serving sites and *m* other content serving sites at the same time by using said response time for

each of the *n* fastest content serving sites and *m* other content serving sites in an execution phase;

means for receiving data from said <u>client DNS server</u>-fixed-location as to the transit times

of each of

the *n* fastest content serving sites and *m* other content serving sites in an execution phase; and

means for storing said data in said table in an execution phase.

22. (Currently Amended) The apparatus of claim 21, further including:

~~means for receiving a Domain Name System (DNS) request from said fixed location;~~

means for determining a response time for each of the content serving sites;

means for sending transit time requests to each of the content serving sites, timing said

transit time requests so that they arrive at each of the content serving sites at the same time by

using said response time for each of the content serving sites;

means for receiving data from said <u>client DNS server</u>-fixed-location as to the transit times

of each of

the content serving sites;

storing said data in a table;

23. (Previously Presented) The apparatus of claim 22, wherein said means for determining

the response time for each of the content serving sites includes:

means for pinging each of the content serving sites;

means for receiving a reply from each of the content serving sites; and

means for determining the response time for each of the content serving sites by

computing the difference in time from said pinging to said receiving a reply for each of the

content serving sites.

24.   (Previously Presented) The apparatus of claim 21, wherein said means for determining

the response time for each of n fastest content serving sites and m other content serving sites

includes:

     means for pinging each of n fastest content serving sites and m other content serving sites;

     means for receiving a reply from each of n fastest content serving sites and m other

content serving sites; and

     means for determining the response time for each of n fastest content serving sites and m

other content serving sites by computing the difference in time from said pinging to said

receiving a reply for each of said n fastest content serving sites and m other content serving sites.

25.   (Currently Amended) The apparatus of claim 21, wherein transit time is the time it takes

a content serving site to send a packet to said <u>client DNS server</u> fixed location after receiving a

transit time request.

26.   (Currently Amended) The apparatus of claim 21, wherein said data includes at least one

record, said record including a transit time, a network address for said <u>client DNS server</u> fixed

location, and a network addrss for a content serving site, said transit time being the transit time

between said <u>client DNS server</u> fixed location and said content serving site.

27.   (Previously Presented) The apparatus of claim 22, wherein said means for sending

queries to each of the content serving sites includes:

means for sending transit time requests to each of the content serving sites in order of their response times, longest response time first, setting a delay for a query for a particular content serving site from a time of the transit time request to the content serving site with the longest response time as one half of said particular content serving site's response time.

28.   (Previously Presented) The apparatus of claim 21, wherein said means for sending queries to each of the n fastest content serving sites and m other content serving sites includes:

means for sending transit time requests to each of said content serving sites n fastest content serving sites and m other content serving sites in order of their response times, longest response time first, setting a delay for a query for a particular content serving site from the time the transit time request to said n fastest content serving site or m other content serving site with the longest response time as one half of said particular content serving site's response time.

29.   (Original) The apparatus of claim 21, wherein n is 3 and m is 2.

30.   (Original) The apparatus of claim 21, wherein n may be varied based on stability of the computer network.

31.   (Original) The apparatus of claim 21, wherein n may be varied based on a rate of change of said content serving sites making up n content serving sites.

32.   (Original) The apparatus of claim 21, wherein said setup phase occurs when the computer network is first set up.

33.   (Original) The apparatus of claim 21, wherein said execution phase occurs when the computer network is operating normally.